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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 January 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *29,30,32-46,48-62 and 64-91* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) *29,30,32-46,48-62 and 64-91* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Claim Status

Claims 29, 30, 32-46, 48-62 and 64-91 are pending; claims 1-28, 31, 47 and 63 having

been cancelled. Claims 29, 30, 32-46, 48-62 and 64-91 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 29, 30, 32-46, 48-62 and 64-91 are rejected under 35 U.S.C. 102(e) as being

anticipated by Pub No US 2005/0055518 (Hochberg et al), hereafter Hochberg.

Claims 29, 45, 61, 66, 73, 74, 77, 80, 83, 86 and 89:

Hochberg discloses:

(A) receiving a request from the host to delete a unit of data stored on the storage system

[Fig 8, step 230]

(B) determining whether a previously-defined retention period for the unit of data has

expired by performing the acts of [Fig 8, step 232]:

(B1) retrieving first information, associated with the unit of data, that identifies a manner

of accessing second information specifying the previously defined retention period; [archive

program 12, Fig 1]

(B2) using the first information to retrieve the second information specifying the

previously-defined retention period [retention protection setting 16, Fig 1]

(C) when it is determined in the act (B) that the retention period for the unit of data has

not expired, denying the request to delete the unit of data [paragraphs 10 and 21, Fig 8, step 240]

wherein the first information is information identifying a retention class to which the unit

of data belongs, wherein the second information is a retention period that defines a period of

time during which the unit of data cannot be deleted or from and/or modified on the at least one

storage system, and is associated with the retention class, and wherein the method further

comprises an act of maintaining, on the at least one storage system, a record associating the

retention period with the retention class [paragraph 22, when an employee leaves, regulations

specify that employee information must be archived for a specified number of years]

Claims 30, 46 and 62:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses deleting the unit of data when determined that the retention period has expired

[Hochberg, paragraph 21]

Claims 32, 48 and 64:

Hochberg discloses the elements of the claimed invention as noted above and further discloses accessing the record on the storage system to retrieve the previously-defined retention period [Hochberg, paragraph 23]

Claims 33, 49 and 65:

Hochberg discloses the elements of the claimed invention as noted above and further discloses receiving at the at least one storage system a second request from the at least one host requesting that the at least one storage system modify the retention period of the retention class [Hochberg, paragraph 23]

Claims 34, 50, 75, 81 and 87:

Hochberg discloses the elements of the claimed invention as noted above and further discloses reducing the retention period [Hochberg, paragraph 22]

Claims 35, 51, 76, 82 and 88:

Hochberg discloses the elements of the claimed invention as noted above and further discloses wherein the second request is to increase the retention period of the retention class [Hochberg, paragraph 23]

Claims 36 and 52:

Hochberg discloses the elements of the claimed invention as noted above and further discloses modifying the second information specifying the retention period in response to the second request [Hochberg, paragraph 23]

Claims 37 and 53 :

Hochberg discloses the elements of the claimed invention as noted above and further

discloses modifying the second information without modifying the content of the unit of data

[Hochberg, paragraphs 23 and 24]

Claims 38 and 54:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses wherein the request comprises an event command indicating the occurrence of an event

[Hochberg, paragraph 23].

Claims 39, 55, 67, 78, 84 and 90:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses wherein the event command does not specify the manner in which the retention period

of the retention class is to be reduced, and wherein the act further comprises an act of

determining the manner of reducing the retention period of the retention class by referring to

information stored within or accessible to the storage system [Hochberg, paragraphs 23 and 24]

Claims 40, 56, 68, 79, 85 and 91:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses wherein the second request specifies the manner in which the length of the retention

period of the retention class is to be reduced [Hochberg, paragraph 22]

Claims 41, 57 and 69:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses determining whether the retention period class is permitted to be reduced and reducing

the retention period only when the retention period for the retention class is permitted to be

reduced [Hochberg, paragraph 24]

Claims 42, 58 and 70:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses an act of determining whether the retention period of the retention class as capable of

being reduced [Hochberg, paragraph 24]

Claims 43, 59 and 71:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses whether the retention period of the retention class is designated as capable of being

reduced by examining the retention period [Hochberg, paragraphs 23 and 24]

Claims 44, 60 and 72:

Hochberg discloses the elements of the claimed invention as noted above and further

discloses whether the retention period of the retention class is designated as capable of being

reduced by examining a flag associated with the retention class [Hochberg, paragraph 31]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 29, 45, 61, 66, 73, 74, 77, 80, 83, 86 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochberg in view of US Pat No 5,535,322 (Hecht), hereafter Hecht.

Claims 29, 45, 61, 66, 73, 74, 77, 80, 83, 86 and 89:

Hochberg discloses:

(A) receiving a request from the host to delete a unit of data stored on the storage system

(B) determining whether a previously-defined retention period for the unit of data has expired by performing the acts of:

(B1) retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously defined retention period; [archive program 12, Fig 1]

(B2) using the first information to retrieve the second information specifying the previously-defined retention period [retention protection setting 16, Fig 1]

(C) when it is determined in the act (B) that the retention period for the unit of data has not expired, denying the request to delete the unit of data [paragraphs 10 and 21]

Hochberg discloses the elements of the claimed invention as noted above but arguably does not disclose wherein the first information is information identifying a retention class to which the unit of data belongs, wherein the second information is a retention period associated

with the retention class, and wherein the method further comprises an act of maintaining, on the

at least one storage system, a record associating the retention period with the retention class

[paragraph 22, 23, 29, 30]. Hecht discloses wherein the first information is information

identifying a retention class to which the unit of data belongs, wherein the second information is

a retention period associated with the retention class, and wherein the method further comprises

an act of maintaining, on the at least one storage system, a record associating the retention period

with the retention class [col 9, lines 8-41, col 13, lines 60-65, col 22, lines 57-65]. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify

Hochberg to include above limitation(s) based on the teaching of Hecht for the purpose of

managing the archiving and deletion of medical images [col 22, lines 57-65].

Response to Arguments

Applicant's arguments filed 1/22/2008 have been fully considered but are not persuasive

for the following reasons.

Applicant states that Hochberg does not disclose (1) a retention class, and (2) "that

defines a period of time during which the unit of data cannot be deleted from and/or modified on

the at least one storage system."

Examiner is not persuaded.

Hochberg discloses the following in paragraph 22:

[0022] An event based retention archival policy specifies that the retention period for the object
does not commence until the occurrence of an event. Upon receiving a signal of the occurrence
of the event, the archive program 12 would begin the retention period for the object having such
event based retention archival policy. An event driven policy thus defers the beginning of the
retention period counting until the occurrence of an event. For instance, employee information

may be archived, but regulations may specify that after an employee leaves, information for that employee must be archived for a retention period of specified number of years. In such case, the event based retention policy may specify to commence the retention period upon being alerted of the event, which may comprise the separation of the employee from the organization. A retention period of zero for an event based retention policy would mean that the object expires immediately upon occurrence of the event. Further, an event based retention policy may specify a minimum retention period, in addition to the general retention period, such that the object cannot be expired before the minimum retention period expires, regardless of the event based retention period. Thus, if the time that has passed since the event signal occurs and the retention period time is less than the minimum retention period, then the object will not expire until the end of the minimum retention period. The minimum retention period may run from the time the object entry 30 was added to the archive database 14 and storage 4, whereas the general event based retention period runs from when the event signal is received.

The disclosure by Hochberg of regulations that specify that after an employee leaves,

information for that employee must be archived for a retention period of specified number of

years anticipates the claim language "a retention class."

Hochberg discloses the following in paragraph 46:

otherwise, if the object has not expired, then control proceeds to block 240 to deny the

request to delete the archived object.

Examiner maintains that the above disclosure by Hochberg anticipates the claim language

"that defines a period of time during which the unit of data cannot be deleted from and/or

modified on the at least one storage system."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday through Friday, 8:00 am 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/18/2008

/Etienne P LeRoux/
Primary Examiner, Art Unit 2161